

AMENDED IN ASSEMBLY SEPTEMBER 2, 2011

AMENDED IN ASSEMBLY AUGUST 31, 2011

AMENDED IN ASSEMBLY AUGUST 26, 2011

AMENDED IN SENATE MARCH 31, 2011

SENATE BILL

No. 402

Introduced by Senator Vargas

February 16, 2011

An act to add Section 5272.4 to the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 402, as amended, Vargas. Outdoor advertising: exemptions.

Existing law, the Outdoor Advertising Act, regulates the placement of outdoor advertising displays along highways. Certain exemptions from the regulations of the act are provided, including exemptions for certain on-premise advertising displays that advertise the business conducted, services rendered, or goods produced or sold on the property where the displays are located.

This bill would provide an exemption from the regulations of the Outdoor Advertising Act for up to 3 advertising displays located within 1,800 feet of the intersection of State Highway Routes 8 and 111 in the County of Imperial if certain conditions are satisfied.

This bill would make legislative findings and declarations as to the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5272.4 is added to the Business and Professions Code, to read:

5272.4. None of the provisions of this chapter apply to an advertising display located within a distance of 1,800 feet of the intersection of State Highway Routes 8 and 111 in the County of Imperial, if all of the following conditions are met:

(a) Written evidence is provided to the department indicating that both the owner or person in control or possession of the property upon which the advertising display is to be located and the city or county with land use jurisdiction over that property have consented to the placing of the display.

(b) No more than three displays are placed by the owner or person in control or possession of the property pursuant to this section.

(c) Placement of the display will not necessitate trimming, pruning, topping, or removal of existing trees in order to make the display visible or to improve its visibility, unless done as part of the normal landscape maintenance activities that would be undertaken without regard to the placement of the display.

(d) *The display does not advertise products or services that are directed at an adult population, including, but not limited to, alcohol, tobacco, gambling, or sexually-explicit material.*

~~(d)~~

(e) The display does not cause a reduction in federal aid highway funds, as provided in Section 131 of Title 23 of the United States Code. *If the display causes a reduction in federal aid highway funds, the department shall revoke the permit granted under this section.*

SEC. 2. Due to the unique circumstances concerning the location of the advertising that is the subject of this act and the need for advertising in the County of Imperial, it is necessary that an exemption from the Outdoor Advertising Act be provided for that advertising, and the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.